

### REMARKS

Claims 1-9 remain pending. Claims 3, 5, 6, 7 and 9 have been amended. No new matter has been added. Reconsideration of the present application is requested.

Applicants gratefully acknowledge the Examiner's indication that claims 3-5, 8 and 9 include allowable subject matter. Claim 3 and 5 have been amended to be rewritten in independent form. Claim 4 depends from claim 3; claims 6-9 depend (directly or indirectly) from claim 5. Accordingly, claim 3-9 are in condition for allowance.

Claims 6, 7 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6, 7 and 9 have been amended to clarify the subject matter recited therein. It is submitted that claims 6, 7 and 9 are definite.

Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. § 103 as being obvious. The basis for this rejection is somewhat unclear; the Examiner did not specifically identify the references being relied upon. In particular, the Office Action states "Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent in view of U.S. Patent;" however, the patent numbers were not provided. Since the Examiner then discusses "Offenberg" and "Clark," it is assumed herein that the rejection is based on U.S. Patent No. 6,368,885 (the "'885 patent") in view of U.S. Patent No. 6,440,766 (the "'766 patent"). However, clarification is requested.

Assuming that the Examiner relies on the '885 patent in connection with the rejection under § 103, it is submitted that this patent qualifies as "prior art" only under 35 U.S.C. § 102(e). In accordance with 35 U.S.C. § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 . . . , shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Respectfully, the subject matter of the '885 patent and claimed invention were, at the time the invention was made, owned or subject to an obligation of assignment to the same person, i.e., *Robert Bosch GmbH*. Accordingly, in accordance with 35 U.S.C. § 103(c), the rejection of claims 1, 2, 6 and 7 should be withdrawn.

Each of the issues raised has been addressed. It is respectfully submitted that the present application is in condition for allowance. Passage to issuance is requested.

Respectfully submitted,

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